

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )

SANATIAGO O. CARIN )  
141 Yankee Jim Court )  
Vallejo, CA 94589 )  
Certificate No. C-041005 )

Respondent. )

Case No. D-3910

OAH No. 35559

DECISION

The Division of Medical Quality non-adopted the Proposed Decision in this case and proceeded to decide the case itself upon the record, including the transcript. The parties were afforded the opportunity to present both written and oral argument before the Division itself.

Having reviewed the entire matter, the Division now makes this decision:

The Division hereby adopts the attached Proposed Decision of Administrative Law Judge Ruth Astle as its decision in this case, except that the proposed penalty order is amended by the Division to read in its entirety as follows:

PENALTY ORDER

Certificate NO. C-041005 issued to Respondent Santiago O. Carin, M.D. is revoked for violations of Business and Professions Code Section 2236(a) (Criminal Conviction) and Section 2305 (discipline by Oklahoma Board), separately and for both violations. However, revocation is stayed and Respondent is placed on probation for five years upon the following terms and conditions:

1. As part of probation, Respondent is suspended from the practice of medicine for thirty (30) days beginning the effective date of this decision.

2. Within 60 days of the effective date of this decision, Respondent shall submit to the Division for its prior approval a community service program in which Respondent shall

provide free medical services on a regular basis to a community or charitable facility or agency for at least 20 hours a month for the first 10 months of probation.

3. Within 60 days of the effective date of this decision, Respondent shall submit to the Division for its prior approval a monitoring plan for billings in which Respondent's billing practices shall be monitored by another physician who shall provide periodic reports to the Division.

4. Within 60 days of the effective date of this decision, Respondent shall submit to the Division for its prior approval a course in Ethics, which Respondent shall successfully complete during the first year of probation.

5. Within 90 days of the effective date of this decision, and on an annual basis thereafter, Respondent shall submit to the Division for its prior approval an educational program or course to be designated by the Division, which shall not be less than 40 hours per year, for each year of probation. This program shall be in addition to the Continuing Medical Education requirements for re-licensure. Following the completion of each course, the Division or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of continuing medical education of which 40 hours were in satisfaction of this condition and were approved in advance by the Division.

6. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.

7. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

8. Respondent shall comply with the Division's probation surveillance program.

9. Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.

10. The period of probation shall not run during the time Respondent is residing or practicing outside the jurisdiction of California. If, during probation, Respondent moves out of the jurisdiction of California to reside or practice elsewhere, Respondent is required to immediately notify the Division in writing of the date of departure, and the date of return, if any.

11. Upon successful completion of probation, Respondent's certificate will be fully restored.

12. If Respondent violates probation in any respect, the Division, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

The effective date of this decision shall be April 3, 1991.

So Ordered. March 4, 1991

DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA

By Theresa Claassen

THERESA CLAASSEN  
Secretary/Treasurer

BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )

SANTIAGO O. CARIN, M.D. )  
Certificate No. C-41005 )  
Respondent. )

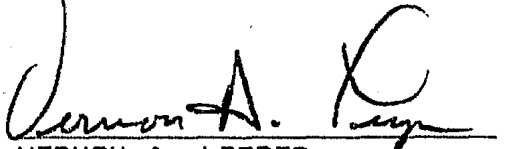
NO. D-3910  
N-35559

ORDER DELAYING DECISION

Pursuant to section 11517(d) of the Government Code, the Division of Medical Quality, finding that a further delay is required by special circumstances, hereby issues this order delaying the decision for no more than 30 days from February 3, 1991 (when the 100-day period expires) to March 5, 1991.

The reason for the delay is as follows: This case is on the agenda for the Division's meeting on February 7, 1991. Therefore, the Division needs additional time to re-draft the decision and to effect service on the parties.

DATED: January 8, 1991

  
VERNON A. LEEPER  
Chief - Enforcement  
Division of Medical Quality

BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

SANTIAGO O. CARIN, M.D.  
Certificate No. C-41005

Respondent.

No. D-3910

NOTICE OF NON-ADOPTION  
OF PROPOSED DECISION

NOTICE TO ALL PARTIES:

YOU ARE HEREBY NOTIFIED that the Division of Medical Quality voted not to adopt the proposed decision recommended in this case. The Division itself will now decide the case upon the record, including the transcript.

To order a copy of the transcript, please contact the Transcript Clerk, Office of Administrative Hearings, 455 Golden Gate Avenue, Room 2248, San Francisco, CA 94102.

After the transcript has been prepared, the Division will send you notice of the deadline date to file your written argument. Your right to argue on any matter is not limited. The Division is particularly interested in arguments on the following: Why the penalty should not be reconsidered.

In addition to written argument, oral argument may be scheduled if any party files with the Division within 20 days from the date of this notice, a written request for oral argument. If a timely request is filed, the Division will serve all parties with written notice of the time, date and place of hearing.

Please remember to serve the opposing party with a copy of your written argument and any other papers you might file with the Division. The mailing address of the Division is as follows:

Division of Medical Quality  
Medical Board of California  
1426 Howe Avenue  
Sacramento, Ca 95825  
(916) 920-6393

Dated: September 14, 1990

DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA

Rev: tb:3/90

BY

  
VERNON A. LEEPER  
Chief - Enforcement

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	
	)	
SANTIAGO O. CARIN	)	Case No. D-3910
141 Yankee Jim Court	)	
Vallejo, CA 94589	)	OAH No. 35559
Certificate No. C-041005	)	
	)	
Respondent.	)	
	)	
	)	

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PROPOSED DECISION

The parties in this matter appeared before Ruth S. Astle, Administrative Law Judge, Office of Administrative Hearings, State of California, on June 4, 1990, in San Francisco, California.

Wilbert E. Bennett, Supervising Deputy Attorney General, represented the Board.

James Jay Seltzer, Attorney at Law, 2200 Powell Street, Tenth Floor, Emeryville, California 94608, represented the respondent.

The record was left open until June 14, 1990, for receipt of a fully executed Proposed Settlement Agreement which was received and incorporated into this proposed decision.

FINDINGS OF FACT

I

Kenneth J. Wagstaff made the accusation in his official capacity as the Executive Officer of the Medical Board of California, Division of Medical Quality, State of California, and not otherwise.

II

On June 30, 1983, Santiago O. Carin (respondent) was issued physician's and surgeon's certificate number C-041005. The certificate has continued in full force and effect at all times material to this matter.

III

Attached hereto and fully incorporated by this reference as if fully set forth herein is the Proposed Decision Pursuant to Stipulation signed by the parties. This document includes the full agreement of the parties and the Proposed Probationary Order.

DETERMINATION OF ISSUES

Pursuant to the matters set forth in Finding III, cause for disciplinary action exists as set forth in the attached Proposed Decision Pursuant to Stipulation.

ORDER

The order set forth in paragraph 9 of the attached Proposed Decision Pursuant to Stipulation is the order set forth in this decision.

DATED: June 20, 1990

Ruth S. Astle  
RUTH S. ASTLE  
Administrative Law Judge

RSA:wc

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 WILBERT E. BENNETT  
Supervising Deputy Attorney General  
3 455 Golden Gate Avenue, Room 6200  
San Francisco, California 94102  
4 Telephone: (415) 557-0503

**RECEIVED**

**JUN 14 1990**

Office of Administrative Hearings  
SAN FRANCISCO

5 Attorneys for Complainant  
6

7 BEFORE THE BOARD OF MEDICAL QUALITY ASSURANCE  
DIVISION OF MEDICAL QUALITY  
8 STATE OF CALIFORNIA  
9

10 In the Matter of the Accusation )  
Against: )

NO. D-3910

11 SANTIAGO O. CARIN )  
12 141 Yankee Jim Court )  
Vallejo, California 94589 )  
13 Certificate No. C-041005, )

PROPOSED DECISION  
PURSUANT TO STIPULATION

14 Respondent. )  
15

16 IT IS HEREBY STIPULATED by and between Santiago O.  
17 Carin, M.D., the respondent in this proceeding, by and through  
18 his attorney, James Jay Seltzer, and the Medical Board of  
19 California (formerly "Board of Medical Quality Assurance"),  
20 Division of Medical Quality, by and through its attorney, Wilbert  
21 E. Bennett, Supervising Deputy Attorney General, as follows:

22 1. That Accusation No. D-3910 is presently pending  
23 against respondent in the above-entitled matter.

24 2. That respondent was duly served by registered mail  
25 with the accusation, statement to respondent, and notice of  
26 defense in the above-entitled matter, as required by law.  
27



1           3. That respondent understands the nature of the  
2 charges alleged in the above-mentioned pending accusation as  
3 constituting possible grounds for disciplinary action against his  
4 physician's and surgeon's certificate. (A copy of said  
5 accusation is attached hereto as Exhibit A.)

6           4. That respondent is fully aware of his right to a  
7 hearing on the charges and allegations contained in the above-  
8 mentioned pending accusation.

9           5. That respondent fully and voluntarily waives his  
10 right to a hearing on the charges and allegations contained in  
11 the above-mentioned pending accusation and that he further agrees  
12 to waive his right to reconsideration, judicial review, and any  
13 and all other rights which may be accorded him by the  
14 Administrative Procedure Act and the laws of the State of  
15 California.

16           6. That respondent admits the truth of each and every  
17 allegation contained in the accusation, for purposes of this  
18 proceeding only, and stipulates that, accordingly, cause for  
19 discipline exists against his physician's and surgeon's  
20 certificate, as is set forth in the accusation.

21           7. That it is acknowledged by the parties hereto that  
22 this Stipulation constitutes an offer in settlement to the  
23 Medical Board of California, Division of Medical Quality, and is  
24 not effective until adoption by said agency.

25           8. That in the event this Stipulation is not adopted  
26 by the Medical Board of California, Division of Medical Quality,  
27 nothing herein recited shall be construed as a waiver of

1 respondent's right to a hearing or as an admission of the truth  
2 of any of the matters charged in the accusation.

3 9. That based on the foregoing recitals, IT IS HEREBY  
4 STIPULATED AND AGREED that the Medical Board of California,  
5 Division of Medical Quality, may issue the following order:

6 Physician's and Surgeon's Certificate No. C-041005  
7 heretofore issued to respondent Santiago O. Carin is revoked;  
8 provided, however, said revocation is stayed for a period of five  
9 (5) years, during which time respondent shall be placed on  
10 probation upon the following terms and conditions:

11 a. As part of probation, respondent is suspended from  
12 the practice of medicine for sixty (60) days commencing as of the  
13 effective date of this decision.

14 b. Within 90 days of the effective date of this  
15 decision, and on an annual basis thereafter, respondent shall  
16 submit to the Division for its prior approval an educational  
17 program or course in the field of the licensee's specialty or in  
18 general medicine, which shall not be less than 40 hours per year,  
19 for each year of probation. This program shall be in addition to  
20 the Continuing Medical Education requirements for re-licensure.  
21 Following the completion of each course, the Division or its  
22 designee may administer an examination to test respondent's  
23 knowledge of the course. Respondent shall provide proof of  
24 attendance for 65 hours of continuing medical education, of which  
25 40 hours were in satisfaction of this condition and were approved  
26 in advance by the Division.

27

/

1           c. Within 60 days of the effective date of this  
2 decision, respondent shall submit to the Division for its prior  
3 approval a course in Ethics, which respondent shall successfully  
4 complete during the first year of probation.

5           d. Respondent shall obey all federal, state and local  
6 laws, and all rules governing the practice of medicine in  
7 California.

8           e. Respondent shall submit quarterly declarations,  
9 under penalty of perjury, on forms provided by the Division  
10 stating whether there has been compliance with all of the  
11 conditions of probation.

12           f. Respondent shall comply with the Division's  
13 probation surveillance program.

14           g. Respondent shall appear in person for interviews  
15 with the Division's medical consultant, upon request, at various  
16 intervals and with reasonable notice.

17           h. The period of probation shall not run during the  
18 time respondent is residing or practicing outside the  
19 jurisdiction of California. If, during probation, respondent  
20 moves out of the jurisdiction of California to reside or practice  
21 elsewhere, respondent is required to immediately notify the  
22 Division in writing of the date of departure, and the date of  
23 return, if any.

24           i. Upon successful completion of probation,  
25 respondent's physician's and surgeon's certificate shall be fully  
26 restored, free and clear of the terms and conditions imposed  
27 during probation.

1 j. Should respondent violate the terms and conditions  
2 of probation in any respect, the Division, after giving  
3 respondent notice and an opportunity to be heard, may revoke  
4 probation, set aside the stay order and direct that the order of  
5 revocation become effective immediately, or make such order as it  
6 may deem appropriate. If an accusation or a petition to revoke  
7 probation is filed against respondent during probation, the  
8 Division shall have continuing jurisdiction until the matter is  
9 final, and the period of probation shall be extended until the  
10 matter is final.

11 DATED:

6/14/90

JOHN K. VAN DE KAMP  
Attorney General

13 Wilbert E. Bennett  
14 WILBERT E. BENNETT  
15 Supervising Deputy Attorney General

Attorneys for Complainant

17 DATED:

6/14/90

18 JAMES JAY SELTZER  
19 JAMES JAY SELTZER, Esq.  
Attorney for Respondent

20 I hereby certify that I have read this stipulation and  
21 agreement in its entirety, that my attorney of record has fully  
22 explained the legal significance and consequences thereof, that I  
23 fully understand all of same and in witness thereof I affix my  
24 signature.

25 DATED:

6/14/90

26 Santiago O. Carin  
27 SANTIAGO O. CARIN  
Respondent

COPY

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 WILBERT E. BENNETT  
Supervising Deputy Attorney General  
3 350 McAllister Street, Room 6000  
San Francisco, California 94102  
4 Telephone: (415) 557-0503

5 Attorneys for Complainant

6

7

8

BEFORE THE BOARD OF MEDICAL QUALITY ASSURANCE  
DIVISION OF MEDICAL QUALITY  
STATE OF CALIFORNIA

9

10

11 In the Matter of the Accusation	)	NO. D-3910
Against:	)	
12	)	<u>ACCUSATION</u>
13 SANTIAGO O. CARIN	)	
14 141 Yankee Jim Court	)	
Vallejo, California 94589	)	
15 Certificate No. C-041005,	)	
Respondent.	)	

16

17 KENNETH J. WAGSTAFF, complainant, charges and alleges as  
18 follows:

19 1. He is the Executive Director of the Board of Medical  
20 Quality Assurance, Division of Medical Quality, State of  
21 California, and makes these charges and allegations in his  
22 official capacity and not otherwise.

23 2. On or about June 30, 1983, respondent Santiago O.  
24 Carin (hereinafter referred to as "respondent") was issued  
25 physician's and surgeon's certificate number C-041005. Said  
26 certificate has continued in full force and effect at all times  
27 material hereto.

1           3. Business and Professions Code sections 2227 and 2234  
2 provide, in pertinent part, that the Division of Medical Quality  
3 shall take disciplinary action against any licensee who is guilty  
4 of unprofessional conduct.

5           4. Business and Professions Code section 2305 provides  
6 that the revocation, suspension, or other discipline by another  
7 state of a license or certificate to practice medicine issued by  
8 the state to a licensee under this chapter (California Medical  
9 Practice Act, Business and Professions Code sections 2000-2505,  
10 inclusive) constitutes grounds for disciplinary action for  
11 unprofessional conduct against such licensee in this state.

12           5. Business and Professions Code section 2236(a)  
13 provides, in pertinent part, that conviction of any offense  
14 substantially related to the qualifications, functions, or duties  
15 of a physician and surgeon constitutes unprofessional conduct.

16           6. Business and Professions Code section 118(b)  
17 provides, in pertinent part, that the suspension or expiration of  
18 a physician's and surgeon's certificate by operation of law shall  
19 not deprive the Division of Medical Quality of jurisdiction to  
20 proceed with disciplinary action.

21           FOR A FIRST CAUSE FOR DISCIPLINARY ACTION

22           7. Respondent has subjected his license to discipline  
23 under Business and Professions Code section 2305 in that on or  
24 about September 11, 1987, the Oklahoma State Board of Medical  
25 Licensure and Supervision issued a disciplinary order against  
26 respondent pursuant to a voluntary surrender of respondent's  
27 medical license during the pendency of disciplinary proceedings.

1 (A copy of said disciplinary order; as well as a copy of the  
2 administrative citation and complaint upon which said  
3 disciplinary order was based, are attached hereto as Exhibit A  
4 and are herein incorporated by reference as though fully set  
5 forth.)

6 FOR A SECOND CAUSE FOR DISCIPLINARY ACTION

7 8. Respondent has subjected his license to discipline  
8 under Business and Professions Code section 2236(a) (conviction  
9 of offense substantially related to the qualifications,  
10 functions, or duties of a physician and surgeon), as more  
11 particularly set forth as follows:

12 (a) On or about July 28, 1987, respondent was  
13 convicted by guilty plea in the United States District Court,  
14 Eastern District of Oklahoma, Case No. 87-27-CR, of one count of  
15 violation of Title 18, United States Code section 643  
16 (embezzlement of public money). The factual circumstances  
17 underlying said conviction involved respondent's receipt and  
18 retention of public money in the form of a medical reimbursement  
19 check from Blue Cross/Blue Shield with knowledge that said check  
20 was to be deposited with the United States Department of Treasury  
21 by virtue of respondent's employment to render medical services  
22 with the Indian Health Service, a federal health agency.  
23 Pursuant to said conviction, respondent was placed on probation  
24 for a period of five (5) years on condition, inter alia, that he  
25 make restitution to the U.S. Treasury Department in the sum of  
26 \$4,206.77, pay a \$25.00 special assessment, pay a fine in the sum  
27 of \$10,000, and comply with all local, state and federal laws and

1 with the rules and regulations of the probation office.

2 (b) The aforementioned offense, to a substantial  
3 degree, evidences present or potential unfitness to perform the  
4 functions authorized by a physician's and surgeon's certificate  
5 in a manner consistent with the public health, safety, or  
6 welfare.

7 WHEREFORE, it is prayed that a hearing be held to  
8 suspend or revoke respondent's physician's and surgeon's  
9 certificate and to take such other action as is deemed just and  
10 proper.

11 DATED: February 8, 1989

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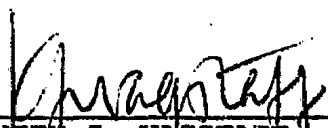
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KENNETH J. WAGSTAFF  
Executive Director  
Board of Medical Quality Assurance  
Complainant

03573110-  
SF89AD0118



# **EXHIBIT A**

RECEIVED  
SAC TO REG. OFF  
SEP 27 1988

IN AND BEFORE THE STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, )  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )  
Plaintiff, )  
v. ) Case No. 87-5-505  
SANTIAGO OSORIO CARIN, M.D., )  
Medical License No. 13521, )  
Defendant. )

FINAL ORDER

This cause came on for consideration before the Secretary of the Board of Medical Licensure and Supervision on the 11<sup>th</sup> day of September, 1987, at 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff, and Don Baker, Attorney, appeared for the Defendant.

The Board of Medical Licensure and Supervision, by and through the Secretary, and being fully advised in the premises, therefore finds as follows:

FINDINGS OF FACT

1. That Santiago Osorio Carin, M.D., holds Oklahoma Medical License No. 13521.

2. That the Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

3. That Complaint and Citation in this cause were lawfully served on the Defendant.

4. That, in lieu of a formal hearing, the Defendant offers to immediately, voluntarily, and of his own volition surrender his Oklahoma medical license.

5. Defendant specifically does not admit or deny any of the allegations pled in the Complaint or that he committed any unprofessional conduct in Oklahoma.

6. That, in lieu of a formal hearing, the Board of Medical Licensure and Supervision, by and through the Secretary, does agree to and does hereby accept the Defendant's voluntary surrender of license as a physician and surgeon in Oklahoma.

CONCLUSION OF LAW

1. That the Board, by and through the Secretary, has authority and discretion to accept voluntary surrender of the medical license in lieu of formal hearing regarding the above matters.

ORDER


IT IS THEREFORE ORDERED by the Board of Medical Licensure and Supervision of Oklahoma as follows:

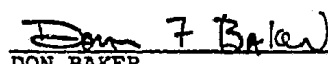
1. That the Defendant's offer to voluntarily surrender his medical license should be and is hereby accepted.
2. That the Defendant will not practice medicine and surgery in Oklahoma pending re-application to and approval by this Board.

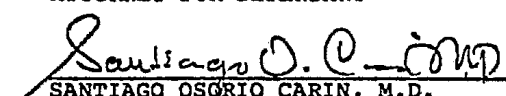
DATED this 11<sup>th</sup> day of September, 1987.

  
MARK R. JOHNSON, M.D., Secretary  
State Board of Medical  
Licensure and Supervision

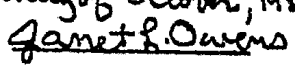
APPROVED AS TO FORM:

  
DANIEL J. GAMINO  
Daniel J. Gamino & Associates, P.C.  
3315 NW 63  
Oklahoma City, OK 73116  
(405) 840-3741  
ATTORNEY FOR PLAINTIFF

  
DON BAKER  
Attorney at Law  
303 West Keetoowah  
Tahlequah, OK 74464  
(918) 456-0618  
ATTORNEY FOR DEFENDANT

  
SANTIAGO OSORIO CARIN, M.D.  
DEFENDANT

I do hereby certify that the above  
and foregoing is a true copy of the  
original Final Order

to be filed in my office.  
Witness my hand and Official Seal  
of the Oklahoma State Board of  
Medical Licensure and Supervision  
this 6<sup>th</sup> day of October, 1987  


IN AND BEFORE THE OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,       )  
OKLAHOMA STATE BOARD OF       )  
MEDICAL LICENSURE AND       )  
SUPERVISION,       )  
                                  Plaintiff,       )  
v.       )  
                                  Case No. 87-5-505  
SANTIAGO OSORIO CARIN, M.D.,       )  
Medical License No. 13521,       )  
                                  Defendant.       )

CITATION

TO: SANTIAGO OSORIO CARIN, M.D.  
141 Yankee Jim Court  
Vallejo, CA 94589

YOU ARE HEREBY NOTIFIED that on the 7<sup>th</sup> day of August, 1987, a sworn Complaint was filed with the undersigned member of the Oklahoma State Board of Medical Licensure and Supervision, State of Oklahoma, charging you with violation of the Oklahoma Medical Practice Act, Title 59 O.S. 1981, Sec. 508 and Sec. 509(9). A copy of said Complaint is attached hereto and made a part hereof.

On the 11<sup>th</sup> day of September, 1987, said Board will be in regular session at 9:45 o'clock A. M., at 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, at which time said Complaint will be considered by the Board and a hearing will be held pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. 1971, Sec. 301, et seq., as amended.


If it be the decision of the Board, after considering all the testimony and evidence, that you are guilty as charged, your license to practice medicine and surgery within the State of Oklahoma will be suspended or revoked or such other disciplinary action taken by the Board as may be authorized by law.

Under the laws of the State of Oklahoma, you are required to file your written Answer under oath with the Secretary of said Board within twenty (20) days after the Citation is served upon

you. Unless said Answer is so filed, you will be considered in default and if the charges be deemed sufficient by the Board your license to practice medicine and surgery in the State of Oklahoma will be suspended or revoked.

THEREFORE, you are cited to appear at said hearing on said date. If you are not present in person, you may be present by your attorney or other representative.

DATED this 3<sup>rd</sup> day of August, 1987.

  
MARK R. JOHNSON, M.D., Secretary  
Oklahoma State Board of Medical  
Licensure and Supervision

I do hereby certify that the above  
and foregoing is a true copy of the  
original Citation

now on file in my office.  
Witness my hand and Official Seal  
of the Oklahoma State Board of  
Medical Licensure and Supervision  
this 6<sup>th</sup> day of October, 1988  
Janet Owens

IN AND BEFORE THE OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,       )  
OKLAHOMA STATE BOARD OF        )  
MEDICAL LICENSURE AND         )  
SUPERVISION,                    )  
                                  )  
                                  ) Plaintiff,        )  
v.                                    ) Case No. 87-5-505  
                                  )  
SANTIAGO OSORIO CARIN, M.D.,    )  
Medical License No. 13521,        )  
                                  ) Defendant.        )

COMPLAINT

COMES NOW J.G. Landreth, Inspector for the Oklahoma Board of Medical Licensure and Supervision, being first duly sworn upon oath and states:

1. That Santiago Osorio Carin, M.D., holding Oklahoma Medical License No. 13521, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 508 and Sec. 509(9), to-wit:

"Whenever any license or certificate has been procured or obtained by fraud or misrepresentation, or was issued by mistake . . . it shall be the duty of the Board of Medical Examiners of the State of Oklahoma to revoke such license or certificate in the same manner as is provided by this act for the revocation of license or certificate for unprofessional conduct."

"Dishonorable or immoral conduct which is likely to deceive or defraud the public."

2. That on or around December 2, 1981, Defendant did sign an oath attached to his application for licensure in Oklahoma as a physician and the following answers to the following questions:

"Have you ever been denied Staff Membership in any hospital? No.

Have you ever been warned or censured by, or requested to withdraw from any hospital? No."

Said answers were made by the Defendant when he knew and had knowledge that his surgical procedures were permanently revoked by the Credentials Committee, United States Army Medical

Department Activity, Fort Leonard Wood, Missouri, on March 16, 1981.

3. That on or around July 22, 1987, Defendant did enter a plea of guilty to the criminal charge of receiving and retaining public money in the form of a check from Blue Cross and Blue Shield of Oklahoma, which he was not authorized to retain as salary, pay, or emolument, Defendant knowing said check represented reimbursement for medical services rendered to Mary L. Samuel while a patient at W.W. Hastings Hospital, an Indian Service Hospital, also knowing said check was to be deposited to the United States Department of Treasury in the case United States of America v. Santiago O. Carin, United States District Court for the Eastern District of Oklahoma, Case No. 87-27-CR. That copies of the Plea Agreement and the Superseding Misdemeanor Information are attached hereto and incorporated by reference as if fully set out herein and marked as Exhibits A and B.

WHEREFORE, Complainant prays this Board to conduct a hearing and upon proof of the allegations contained herein that such disciplinary action be taken by the Board as is authorized by law.

J.G. Landreth  
J.G. LANDRETH, Inspector  
State Board of Medical Licensure  
and Supervision

Subscribed and sworn to before me this 3<sup>rd</sup> day of August, 1987.

Michael J. Jank  
Notary Public

My commission expires: 10-3-98

I do hereby certify that the above  
and foregoing is a true copy of the  
original Complaint

now on file in my office.  
Witness my hand and Official Seal  
of the Oklahoma State Board of  
Medical Licensure and Supervision  
this 6th day of October, 1987

Janet L. Owens

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

RECEIVED  
JUL 22 1987

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE  
AND SUPERVISION

UNITED STATES OF AMERICA,       \*  
                                  Plaintiff,   \*  
vs.                                   \*  
                                  \*  
SANTIAGO O. CARIN,               \*  
                                  Defendant.   \*

No. 87-27-CR

PLEA AGREEMENT

1. Parties to the agreement are the United States Government and defendant SANTIAGO O. CARIN, represented by the undersigned attorney of record.

2. Defendant is charged in a one count Superseding Misdemeanor Information alleging violations of Title 18, United States Code, Section 643.

3. Defendant agrees to enter a plea of guilty to the Superseding Misdemeanor Information.

4. In exchange for defendant's plea, the government, agrees to dismiss the Indictment.

5. Defendant agrees to make restitution to the proper U.S. Government agency in the amount of \$ 4,206.77 through the United States Attorney's Office.

6. Defendants agrees to resign as a Commissioned Officer with the Public Health Service effective July 31 1987.

EXHIBIT A



IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

RECEIVED  
JUL 24

UNITED STATES OF AMERICA, \*  
Plaintiff, \*  
vs. \*  
SANTIAGO O. CARIN, \*  
Defendant. \*

No. 87-27-CB OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE  
AND SUPERVISION

SUPERSEDING MISDEMEANOR INFORMATION

The United States Attorney charges:

COUNT 1

(18 USC §643)

On or about August 13, 1986, in the Eastern District of Oklahoma, SANTIAGO O. CARIN, defendant herein, an officer and employee of the Indian Health Service, Department of Health and Human Services, an agency of the United States, did receive and retain public money in the form of a check from Blue Cross and Blue Shield of Oklahoma, which he was not authorized to retain as salary, pay, or emolument, defendant knowing said check represented reimbursement for medical services rendered to Mary L. Samuel while a patient at W.W. Hastings Hospital, an Indian Health Service Hospital, also knowing such said check was to be deposited to the United States Department of Treasury.

All in violation of Title 18, United States Code,  
Section 643.



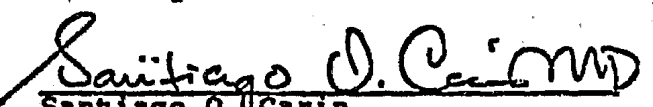
  
ROGER HILFIGER  
United States Attorney  
333 Federal Courthouse  
Muskogee, OK 74401  
918-687-2543

EXHIBIT B

7. There are no other agreements, express or implied, written or oral between the parties and defendant expressly understands that the government cannot and will not make any recommendation as to the sentence that might be imposed.

  
\_\_\_\_\_  
ROGER HILFIGER  
United States Attorney

  
\_\_\_\_\_  
Donn F. Baker  
Attorney for Defendant

  
\_\_\_\_\_  
Santiago O. Carin  
Defendant